

DRAFT 10-29-13.2

WYOMING GAME AND FISH COMMISSION

CHAPTER 63

REGULATION GOVERNING BAITING OF BIG GAME ANIMALS

Section 1. Authority. This regulation is promulgated by authority of W.S. §23-1-302 and W.S. §23-3-304.

~~**Section 2. Regulation.** The Wyoming Game and Fish Commission hereby adopts the following regulation governing the issuance of permits for placing baits for the taking of big game animals. This regulation shall become effective February 1, 2013, and shall remain in effect until modified or rescinded by the Commission.~~

~~**Section 32. Definitions.** For the purpose of this regulation, definitions~~**Definitions** shall be as set forth in Title 23, Wyoming Statutes, ~~and Wyoming Game and Fish Commission Regulations, and~~**and** ~~the~~**The** Commission also adopts the following definitions:

(a) “Bait or Baiting” means the direct or indirect placing, exposing, depositing, distributing or scattering of salt, hay, grain, fruit, nuts or chemical, mineral or other feed as an attraction or enticement and for the taking of big game animals, regardless of the kind and quantity. A chemical used as an attractant or mask rather than for consumption shall not be considered bait.

(b) “Baited area” means a site where bait has been placed for the attraction and taking of big game animals and includes all lands under the same ownership within fifty (50) yards.

(c) “Baiting Permit” means a permit issued by the Wyoming Game and Fish Department which authorizes the use of baiting pursuant to W.S. §23-3-304(d)(iv).

(d) “Commercial Use” means those activities that involve the direct sale of services or hunting access including outfitted or guided hunts or access fees.

(e) “Landowner” means an individual, partnership, corporation, trust, limited liability company or combination of these, which either owns or leases real property, or agent thereof.

(f) “Site” means the legal description of the specific parcel of land where bait will be placed.

Section 43. Required Information. Baiting permits shall be issued on a form provided by the Department and shall contain the following information:

(a) The name, address and phone number of the applicant to whom the baiting permit is being issued.

(b) The owner’s name and legal description of the specific parcel of land where bait will be placed and the UTM coordinates of the baited area.

(c) The species and sex of big game animal(s) that the baiting permit is valid for.

(d) The hunt area for the big game species that the baiting permit is valid for.

(e) The dates that the baiting permit is valid.

Section 54. Baiting Permit Issuance. The Department may issue baiting permits to landowners for specific sites on private land where the baiting of big game animals will be allowed during open hunting seasons as prescribed by Commission regulation. Before issuing a permit, the Department shall determine that conditions exist which are limiting the ability to take big game animals on a specific parcel of private land for the purpose of addressing damage to private property, human safety, disease issues or population management. Baiting permits may be issued subject to the following conditions and limitations:

- (a) Baiting permits shall only be issued for private land.
- (b) Baited areas shall not be used for commercial use.
- (c) The proposed baiting area shall be inspected by Department personnel prior to a permit being issued.
- (d) It shall be the landowner's responsibility to assure that baiting of big game is not contrary to the laws of the appropriate county or municipality where baiting will occur. No baiting permit shall be issued contrary to the laws of the appropriate county or municipality where baiting will occur.
- (e) Baiting permits shall expire on the last day of the regular hunting season for the big game species for which the permit was issued, or as otherwise indicated on the baiting permit.
- (f) Permits may be immediately revoked if the Department determines:
 - (i) The applicant made a false statement to obtain the permit.
 - (ii) The conditions which originally qualified the applicant to obtain a permit no longer exist.
 - (iii) Unforeseen negative consequences have been created by persons taking big game animal(s) within, or by having wildlife attracted to the baited area, as determined by the Regional Wildlife Supervisor.
- (g) When a permit has been revoked, all bait must be removed immediately and no hunting shall be allowed at the baited area for ten (10) days thereafter.
- (h) No person shall take any big game animal within a baited area other than the big game species designated on the baiting permit.
- (i) Baited areas may be inspected by Department law enforcement personnel at any time during the dates the baiting permit is valid.
- (j) A copy of an approved baiting permit shall be left with the landowner as authorization to bait during the dates specified on the baiting permit.

Section 65. Placement, Duration and Limitations on Baits.

- (a) No bait shall be placed without first obtaining a baiting permit.
- (b) No bait shall be placed within fifty (50) yards of an occupied dwelling without the consent of the owner, leasee or agent of the owner.
- (c) No person shall place bait within a permitted baited area other than during the dates specified on the baiting permit for the big game species for which the baiting permit was issued.

(d) Baited areas shall be considered baited for ten (10) days following complete removal of all bait.

~~**Section 7. Violation of Commission Regulations.** Failure to abide by the provisions of this regulation shall be punishable as provided by Wyoming Statutes for violation of Commission regulations.~~

~~**Section 8. Savings Clause.** If any provision of this regulation shall be held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of this regulation shall be severable.~~

WYOMING GAME AND FISH COMMISSION

By: _____
~~Aaron Clark~~ **Mike Healy**, President

Dated: ~~November 15, 2012~~ **January 22, 2014**